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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,578	09/17/2003	Reggie V. Aquino	45565-0012	3633

7590

11/28/2005

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EXAMINER

HAMILTON, ISAAC N

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,578

Applicant(s)

AQUINO ET AL.

Examiner

Isaac N. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 10-14 is/are allowed.
6) ☒ Claim(s) 1-5, 15, 16 and 19 is/are rejected.
7) ☒ Claim(s) 6-9, 17 and 18 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. After further review, the Examiner's position has changed since the Office Action mailed on 10/19/2005. The Examiner has chosen to re-open prosecution for the instant application and a new Office Action is set forth below. Despite several conversations with applicant in order to amend the claims in an Examiner's Amendment, a rejection is set forth below on the claim limitations filed 07/06/05.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 3, 4, 5 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Simon et al (4,976,412), hereafter Simon. Simon discloses housing 6; support block 1; tool holder 10, 11; rotational axis is collinear with 10; first biasing assembly 4; second biasing assembly 12; linear slide coupling 5, 9; first member 5; second member 9; second assembly is coupled to the housing via elements 1, 9, 4, 5; second biasing assembly 12 limits the rotation of the tool holder because elastomer blocks inherently are capable of limited expansion/compression; the element 10 is capable of being rotated on an axis collinear with element 10 because the second biasing assembly 12 allows movement about the z-axis as shown in figure 1.

4. Claims 15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kozyrski (5,845,554). Kozyrski discloses tool holder 62; support block 58, 44, 56; rotational axis Y;

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positioning mechanism 24, 26; linear axis is collinear with element 26; flash line is collinear to edge 20; compliance device 16, 42; housing 42.

Allowable Subject Matter

5. Claims 6-9, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Simon does not teach adjustable stops, a cover having an elongated linear slot, and does not teach set screws. It would not have been obvious to combine the references with other prior art teachings in order to meet the claim limitations.

6. Claims 10-14 are allowed. Kozyrski teaches a tool holder that is rotatable relative to the support block, but does not teach a first and second biasing means biasing elements to a centered position. Mori (5,931,071) teaches a tool holder that is rotationally biased to a centered position, but does not teach a support block movable relative to the housing along a linear axis.

Holmstrom (4,312,255) teaches a biasing assembly rotationally biasing the tool holder to a centered position, but does not teach a second biasing assembly centering the tool holder along a linear axis. Simon teaches tool holder biased to a centered position linearly and rotationally, but does not teach a rimming assembly for trimming flash from a workpiece. It would not have been obvious to combine the references with other prior art teaching in order to meet the claim limitations.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



IH

November 23, 2005


KENNETH E. PETERSON
PRIMARY EXAMINER